IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4875 OF 2004

Suresh G.Motwani & Ors. ...Applicants

Versus

State of Maharashtra & Anr. ...Respondents

.....

Mr.K.J.Reddy for Applicants.

Mr.S.R.Shinde, A.P.P. for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

NOVEMBER 23, 2004.

P.C.

1. Heard Counsel for the parties. Perused the record.

2. It is seen that the prosecution case is that the Applicants persuaded the bank to extend bill discounting facility by misrepresentation. However, I am inclined to accept the argument canvassed on behalf of the Applicants that the offence as was registered in 2002 will have to be

considered in the light of the fact that later on the bank agreed to convert the bill discounting facility into term loan and to that effect, compromise terms have been arrived at in civil proceedings which have been filed before the appropriate court. It is rightly pointed out that the entire controversy in this connection was taken up right up to the Supreme Court. If it is so, the Applicants deserve to be granted anticipatory bail on following conditions :

(a) The Applicants are granted anticipatory bail in connection with C.R.No.104/2002 registered with Economic Offences Wing, Crime Branch, CID, Mumbai, on executing personal bonds in the sum of Rs.50,000/- (Rupees Fifty Thousand) each, with two local sureties in the like amount.

(b) The Applicants are granted cash facility for one week from today, as prayed.

(c) The Applicants shall abide by the conditions specified in Section 438 (2) of the Criminal Procedure Code, 1973 as applicable to the

State of Maharashtra.

. Application allowed on the above terms.

A.M.KHANWILKAR, J.